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H. S. Kinney Land Office

RULES AND REGULATIONS

GOVERNING

FOREST RESERVES

ESTABLISHED UNDER SECTION 24

OF THE

ACT OF MARCH 3, 1891.

ISSUED JUNE 30, 1897.

REISSUED AUGUST 5, 1898 WITH AMENDMENTS.



WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1898.

*M.C.
g.R.
9/26/31*

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P.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., August 5, 1898.

The circular containing "Rules and Regulations Governing Forest Reserves," issued June 30, 1897, is reprinted for the information of the public, with the amendments and additions promulgated March 21 and August 3, 1898.

Amendments were made in paragraphs 11 and 27, and paragraphs 32 and 33 were added, March 21, 1898. Paragraph 21 was amended August 3, 1898.

BINGER HERMANN,
Commissioner.

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CIRCULAR.

P.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., June 30, 1897.

1. Under the authority vested in the Secretary of the Interior by the act of Congress, approved June 4, 1897, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes," to make such rules and regulations and establish such service as will insure the objects for which forest reservations are created under section 24 of the act of March 3, 1891 (26 Stat., 1095), the following rules and regulations are hereby prescribed and promulgated:

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OBJECT OF FOREST RESERVATION.

2. Public forest reservations are established to protect and improve the forests for the purpose of securing a permanent supply of timber for the people and insuring conditions favorable to continuous water flow.

3. It is the intention to exclude from these reservations, as far as possible, lands that are more valuable for the mineral therein, or for agriculture, than for forest purposes; and where such lands are embraced within the boundaries of a reservation, they may be restored to settlement, location, and entry.

PENALTIES FOR VIOLATION OF LAW AND REGULATIONS.

4. The law under which these regulations are made provides, that any violation of the provisions thereof, or of any rules and regulations thereunder, shall be punished as is provided for in the act of June 4, 1888 (25 Stat., 166), amending section 5388 of the Revised Statutes, which reads as follows:

That section fifty-three hundred and eighty-eight of the Revised Statutes of the United States be amended so as to read as follows: "Every person who unlawfully cuts, or aids or is employed in unlawfully cutting, or wantonly destroys or procures to be wantonly destroyed, any timber standing upon the land of the United States which, in pursuance of law, may be reserved or purchased for military or other purposes, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under authority of the United States, shall pay a fine of not more than five hundred dollars or be imprisoned not more than twelve months, or both, in the discretion of the court."

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This provision is additional to the penalties now existing in respect to punishment for depredations on the public timber. The Government has, also, all the common-law civil remedies, whether for the prevention or redress of injuries, which individuals possess.

5. The act of February 24, 1897 (29 Stat., 594), entitled "An act to prevent forest fires on the public domain," provides,

That any person who shall wilfully or maliciously set on fire, or cause to be set on fire, any timber, underbrush, or grass upon the public domain, or shall carelessly or negligently leave or suffer fire to burn unattended near any timber or other inflammable material, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any district court of the United States having jurisdiction of the same, shall be fined in a sum not more than five thousand dollars or be imprisoned for a term of not more than two years, or both.

SEC. 2. That any person who shall build a camp fire, or other fire, in or near any forest, timber, or other inflammable material upon the public domain, shall, before breaking camp or leaving said fire, totally extinguish the same. Any person failing to do so shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any district court of the United States having jurisdiction of the same, shall be fined in a sum not more than one thousand dollars, or be imprisoned for a term of not more than one year, or both.

SEC. 3. That in all cases arising under this act the fines collected shall be paid into the public-school fund of the county in which the lands where the offense was committed are situate.

Large areas of the public forests are annually destroyed by fire, originating in many instances through the carelessness of prospectors, campers, hunters, sheep herders, and others, while in some cases the fires are started with malicious intent. So great is the importance of protecting forests from fire, that this Department will make special effort for the enforcement of the law against all persons guilty of starting or causing the spread of forest fires in the reservations in violation of the above provisions.

6. The law of June 4, 1897, for forest reserve regulations also provides that

The jurisdiction, both civil and criminal, over persons within such reservations shall not be affected or changed by reason of the existence of such reservations, except so far as the punishment of offenses against the United States therein is concerned; the intent and meaning of this provision being that the State wherein any such reservation is situated shall not, by reason of the establishment thereof, lose its jurisdiction, nor the inhabitants thereof their rights and privileges as citizens, or be absolved from their duties as citizens of the State.

PUBLIC AND PRIVATE USES.

7. It is further provided that

Nothing herein shall be construed as prohibiting the egress or ingress of actual settlers residing within the boundaries of such reservations, or from crossing the same to and from their property or homes; and such wagon roads and other improvements may be constructed thereon as may be necessary to reach their homes and to utilize their property under such rules and regulations as may be prescribed by the Secretary of the Interior. Nor shall anything herein prohibit any person from entering upon such forest reservations for all proper and lawful purposes, including

that of prospecting, locating, and developing the mineral resources thereof: *Provided*, That such persons comply with the rules and regulations covering such forest reservations.

The settlers residing within the exterior boundaries of such forest reservations, or in the vicinity thereof, may maintain schools and churches within such reservation, and for that purpose may occupy any part of the said forest reservation, not exceeding two acres for each schoolhouse and one acre for a church.

All waters on such reservations may be used for domestic, mining, milling, or irrigation purposes, under the laws of the State wherein such forest reservations are situated, or under the laws of the United States and the rules and regulations established thereunder.

8. The public in entering, crossing and occupying the reserves, for the purposes enumerated in the law, are subject to a strict compliance with the rules and regulations governing the reserves.

9. Private wagon roads and county roads may be constructed over the public lands in the reserves wherever they may be found necessary or useful, but no rights shall be acquired in said roads running over the public lands as against the United States. Before public timber, stone or other material can be taken for the construction of such roads, permission must first be obtained from the Secretary of the Interior. The application for such privilege should describe the location and direction of the road, its length and width, the probable quantity of material required, the location of such material, and its estimated value.

10. The permission to occupy public lands in the reserves for schoolhouses and churches, as provided for in the law, is merely a privilege, and is subject to any future disposition that may be made of such tracts by the United States.

11. The right of way in and across forest reservations for irrigating canals, ditches, flumes and pipes, reservoirs, electric power purposes, and for pipe lines, will be subject to existing laws and regulations. (Amended March 21, 1898; see p. 10.)

12. Under the term "to regulate their occupancy and use," the Secretary of the Interior is authorized to grant such licenses and privileges, from time to time, as may seem to him proper and not inconsistent with the objects of the reservations nor incompatible with the public interests.

13. The pasturing of live stock on the public lands in forest reservations will not be interfered with, so long as it appears that injury is not being done to the forest growth, and the rights of others are not thereby jeopardized. The pasturing of sheep is, however, prohibited in all forest reservations, except those in the States of Oregon and Washington, for the reason that sheep grazing has been found injurious to the forest cover, and therefore of serious consequence in regions where the rainfall is limited. The exception in favor of the States of Oregon and Washington is made because the continuous moisture and abundant rainfall of the Cascade and Pacific Coast ranges make rapid renewal of herbage and undergrowth possible. Owners of sheep are required

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to make application to the Commissioner of the General Land Office for permission to pasture, stating the number of sheep and the location on the reserves where it is desired to graze. Permission will be refused or revoked whenever it shall appear that sheep are pastured on parts of the reserves specially liable to injury, or upon and in the vicinity of the Bull Run reserve, Crater Lake, Mount Hood, Mount Rainier, or other well-known places of public resort or reservoir supply. Permission will also cease upon proof of neglect as to the care of fires made by herders, or of the violation by them of any of the forest reserve regulations.

RELINQUISHMENT OF CLAIMS.

14. The law provides that where a tract within a forest reservation is covered by an unperfected bona fide claim, or by a patent, the settler or owner may, if he so desires, relinquish the tract to the United States and select in lieu thereof a tract of vacant public land outside of the reservation, open to settlement, not exceeding in area the tract relinquished. No charge is to be made for placing the new entry of record. This is in consideration of previous fees and commissions paid. Where the entry is in lieu of an unperfected one, the necessary fees in the making of final proof and issuance of certificate will be required. Where the entry is based on an unsurveyed claim, as provided for in paragraph 17 hereof, all fees and commissions attending entry must be paid, none having been paid previously.

15. Where an application is made for change of entry under the above provision, it must be filed in the land office for the district in which the lieu selection lies. The application must describe the tract selected and the tract covered by the unperfected entry, and must be accompanied by a formal relinquishment to the United States of all right, title and interest in and to the tract embraced in said entry. There must also be filed with the application an affidavit, corroborated by at least two witnesses cognizant of the facts, showing the periods and length of claimant's residence on his relinquished claim, as credit for the time spent thereon will be allowed under the new entry in computing the period of residence required by law. Residence and improvements are requisite on the new entry, the same as on the old, subject only, in respect to residence, to a deduction of the period covered by the relinquished entry.

16. Where final certificate or patent has issued, it will be necessary for the entryman or owner thereunder to execute a quit-claim deed to the United States, have the same recorded on the county records, and furnish an abstract of title, duly authenticated, showing chain of title from the Government back again to the United States. The abstract of title should accompany the application for change of entry, which must be filed as required by paragraph 15, without the affidavit therein called for.

17. In case a settler on an unsurveyed tract within a forest reservation desires to make a change of settlement to land outside of the reser-

vation and receive credit for previous residence, he should file his application as provided for in paragraph 15, including the affidavit as to residence therein required, and describing his unsurveyed claim with sufficient accuracy to enable the local land officers to approximately determine its location.

18. All applications for change of entry or settlement must be forwarded by the local officers to the Commissioner of the General Land Office for consideration, together with report as to the status of the tract applied for.

LOCATION AND ENTRY OF MINERAL LANDS.

19. The law provides that "any mineral lands in any forest reservation which have been or which may be shown to be such, and subject to entry under the existing mining laws of the United States and the rules and regulations applying thereto, shall continue to be subject to such location and entry," notwithstanding the reservation. This makes mineral lands in the forest reserves subject to location and entry under the general mining laws in the usual manner.

20. Owners of valid mining locations made and held in good faith under the mining laws of the United States and the regulations thereunder, are authorized and permitted to fell and remove from such mining claims any timber growing thereon, for actual mining purposes in connection with the particular claim from which the timber is felled or removed. (For further use of timber by miners, see below under heading "Free use of timber and stone.")

FREE USE OF TIMBER AND STONE.

21. The law provides that

The Secretary of the Interior may permit, under regulations to be prescribed by him, the use of timber and stone found upon such reservations, free of charge, by bona fide settlers, miners, residents, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and other domestic purposes, as may be needed by such persons for such purposes; such timber to be used within the State or Territory, respectively, where such reservations may be located.

This provision is limited to persons resident in forest reservations who have not a sufficient supply of timber or stone on their own claims or lands for the purposes enumerated, or for necessary use in developing the mineral or other natural resources of the lands owned or occupied by them. Such persons, therefore, are permitted to take timber and stone from public lands in the forest reservations under the terms of the law above quoted, strictly for their individual use on their own claims or lands owned or occupied by them, but not for sale or disposal, or use on other lands, or by other persons: *Provided*, That where the stumpage value exceeds one hundred dollars, application must be made to and permission given by the Department. (Amended August 3, 1898; see p. 12.)

SALE OF TIMBER.

22. The following provision is made for the sale of timber within forest reservations in limited quantities:

For the purpose of preserving the living and growing timber and promoting the younger growth on forest reservations, the Secretary of the Interior, under such rules and regulations as he shall prescribe, may cause to be designated and appraised so much of the dead, matured, or large growth of trees found upon such forest reservations as may be compatible with the utilization of the forests thereon, and may sell the same for not less than the appraised value in such quantities to each purchaser as he shall prescribe, to be used in the State or Territory in which such timber reservation may be situated, respectively, but not for export therefrom. Before such sale shall take place, notice thereof shall be given by the Commissioner of the General Land Office, for not less than sixty days, by publication in a newspaper of general circulation, published in the county in which the timber is situated, if any is therein published, and if not, then in a newspaper of general circulation published nearest to the reservation, and also in a newspaper of general circulation published at the capital of the State or Territory where such reservation exists; payments for such timber to be made to the receiver of the local land office of the district wherein said timber may be sold, under such rules and regulations as the Secretary of the Interior may prescribe; and the moneys arising therefrom shall be accounted for by the receiver of such land office to the Commissioner of the General Land Office, in a separate account, and shall be covered into the Treasury. Such timber, before being sold, shall be marked and designated, and shall be cut and removed under the supervision of some person appointed for that purpose by the Secretary of the Interior, not interested in the purchase or removal of such timber nor in the employment of the purchaser thereof. Such supervisor shall make a report in writing to the Commissioner of the General Land Office and to the receiver in the land office in which such reservation shall be located of his doings in the premises.

The sale of timber is optional, and the Secretary may exercise his discretion at all times as to the necessity or desirability of any sale.

23. While sales of timber may be directed by this Department without previous request from private individuals, petitions from responsible persons for the sale of timber in particular localities will be considered. Such petitions must describe the land upon which the timber stands by legal subdivisions, if surveyed; if unsurveyed, as definitely as possible by natural landmarks; the character of the country, whether rough, steep or mountainous, agricultural or mineral, or valuable chiefly for its forest growth; and state whether or not the removal of the timber would result injuriously to the objects of forest reservation. If any of the timber is dead, estimate the quantity in feet, board measure, with the value, and state whether killed by fire or other cause. Of the live timber, state the different kinds and estimate the quantity of each kind in trees per acre. Estimate the average diameter of each kind of timber, and estimate the number of trees of each kind per acre above the average diameter. State the number of trees of each kind above the average diameter it is desired to have offered for sale, with an estimate of the number of feet, board measure, therein, and an estimate of the value of the timber as it stands. These petitions must be filed in the

proper local land office, for transmission to the Commissioner of the General Land Office.

24. Before any sale is authorized, the timber will be examined and appraised, and other questions involved duly investigated, by an official designated for the purpose; and upon his report action will be based.

25. When a sale is ordered, notice thereof will be given by publication by the Commissioner of the General Land Office, in accordance with the law above quoted; and if the timber to be sold stands in more than one county, published notice will be given in each of the counties, in addition to the required general publication.

26. The time and place of filing bids, and other information for a correct understanding of the terms of each sale, will be given in the published notices. Timber is not to be sold for less than the appraised value, and when a bid is accepted a certificate of acceptance will be issued by the Commissioner of the General Land Office to the successful bidder, who, at the time of making payment, must present the same to the receiver of public moneys for the land district in which the timber stands. The Commissioner of the General Land Office must approve all sales, and he may, in sales in excess of five hundred dollars in value, make allotments of quantity to several bidders at a fixed price, if he deems proper, so as to avoid monopoly. The right is also reserved to reject any or all bids. A reasonable cash deposit with the proper receiver of public moneys, to accompany each bid, will be required.

27. Within thirty days after notice to a bidder of an award of timber to him, payment must be made in full to the receiver for the timber so awarded. The purchaser must have in hand the receipt of the receiver for such payment before he will be allowed to cut, remove, or otherwise dispose of the timber in any manner. The timber must all be cut and removed within one year from the date of the notice by the receiver of the award; failing to so do, the purchaser will forfeit his right to the timber left standing or unremoved and to his purchase money.
(Amended March 21, 1898; see p. 11.)

28. Sixty days' notice must be given by the purchaser, through the local land office, to the Commissioner of the General Land Office, of the proposed date of cutting and removal of the timber, so that an official may be designated to supervise such cutting and removal, as required by the law. Upon application of purchasers, permits to erect temporary sawmills for the purpose of cutting or manufacturing timber purchased under this act may be granted by the Commissioner of the General Land Office, if not incompatible with the public interests. Instructions as to disposition of tops, brush and refuse, to be given through the supervisors in each case, must be strictly complied with, as a condition of said cutting and manufacture.

29. The act provides that the timber sold shall be used in the State or Territory in which the reservation is situated, and is not to be exported therefrom. Where a reservation lies in more than one State,

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or Territory, this requires that the timber shall be used in the State or Territory where cut.

30. Receivers of public moneys will issue receipts in duplicate for moneys received in payment for timber, one of which will be given the purchaser, and the other will be transmitted to the Commissioner of the General Land Office in a special letter, reference being made to the letter from the Commissioner authorizing the sale, by date and initial, and with title of case as therein named. Receivers will deposit to the credit of the United States all such moneys received, specifying that the same are on account of sales of public timber on forest reservations under the act of June 4, 1897. A separate monthly account-current (Form 4-105) and quarterly condensed account (Form 4-104) will be made to the Commissioner of the General Land Office, with a statement in relation to the receipts under the act as above specified.

31. Special instructions will be issued for the guidance of officials designated to examine and appraise timber, to supervise its cutting and removal, and for carrying out other requirements connected therewith.

BINGER HERMANN,
Commissioner.

Approved June 30, 1897:

C. N. BLISS, *Secretary.*

(For additional regulations, see page 11.)

CIRCULAR.

AMENDMENTS TO RULES AND REGULATIONS GOVERNING FOREST RESERVES.

P.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 21, 1898.

The following amendments and additions to the Rules and Regulations Governing Forest Reserves, issued June 30, 1897, are hereby prescribed and promulgated:

Paragraph 11 is amended to read as follows:

11. The right of way in and across forest reservations for irrigating canals, ditches, flumes and pipes, reservoirs, electric power purposes, and for pipe lines, will be subject to existing laws and regulations; and the applicant or applicants for such right will be required, if deemed

advisable by the Commissioner of the General Land Office, to give bond in a satisfactory surety company to the Government of the United States, to be approved by him, such bond stipulating that the makers thereof will pay to the United States for any and all damage to the public lands, timber, natural curiosities or other public property on such reservation or upon the lands of the United States, by reason of such use and occupation of the reserve, regardless of the cause or circumstances under which such damage may occur.

Paragraph 27 is amended to read as follows:

27. Within thirty days after notice to a bidder of an award of timber to him, payment must be made in full to the receiver for the timber so awarded; or equal payments therefor may be made in thirty, sixty and ninety days from date of such notice, at the option of the purchaser. The purchaser must have in hand the receipt of the receiver for each payment before he will be allowed to cut, remove, or otherwise dispose of the timber covered by that payment. The timber must all be cut and removed within one year from the date of the notice by the receiver of the award; failing to do so, the purchaser will forfeit his right to the timber left standing or unremoved and to his purchase money: *Provided*, That the limit of one year herein named may be extended by the Commissioner of the General Land Office, in his discretion, upon good and sufficient reasons being shown.

The following additional regulations are prescribed:

32. In order to meet the necessities of persons, firms, companies, or corporations, whose business requires a large and continuous supply of timber, it is hereby provided that where the annual consumption exceeds one million feet of timber, board measure, application for the succeeding year's supply may be made in time to permit the appraisement and sale of the timber desired six months in advance of its actual need.

33. Where timber has been appraised and advertised for sale and no satisfactory bid has been offered, a new appraisement and sale may be ordered, from time to time, until an appraisement and sale has been made, which shall receive the approval of the Commissioner of the General Land Office.

BINGER HERMANN,
Commissioner.

Approved March 21, 1898:
C. N. BLISS, *Secretary.*

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CIRCULAR.

AMENDMENT TO RULES AND REGULATIONS GOVERNING FOREST RESERVES.

P.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., August 3, 1898.

Paragraph 21 of the Rules and Regulations Governing Forest Reserves, issued June 30, 1897, is hereby amended to read as follows:

FREE USE OF TIMBER AND STONE.

21. The law provides that

The Secretary of the Interior may permit, under regulations to be prescribed by him, the use of timber and stone found upon such reservations, free of charge, by bona fide settlers, miners, residents, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and other domestic purposes, as may be needed by such persons for such purposes; such timber to be used within the State or Territory, respectively, where such reservations may be located.

This provision is limited to persons resident in forest reservations or within a reasonable distance thereof in the State or Territory where the forest reservation is located who have not a sufficient supply of timber or stone on their own claims or lands for the purposes enumerated, or for necessary use in developing the mineral or other natural resources of the lands owned or occupied by them. Such persons, therefore, are permitted to take timber and stone from public lands in the forest reservations under the terms of the law above quoted, strictly for their individual use on their own claims or lands owned or occupied by them within the State or Territory where such reservation is located, but not for sale or disposal, or use on other lands, or by other persons: *Provided*, That where the stumpage value exceeds one hundred dollars, applications must be made to and permission given by the Department.

BINGER HERMANN,
Commissioner.

Approved August 3, 1898:

C. N. BLISS, *Secretary.*

The text of the law under which the above rules and regulations are prescribed is as follows:

[30 Stat., 34-36.]

AN ACT Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be,

expressed, for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, namely:

* * * * *

For the survey of the public lands that have been or may hereafter be designated as forest reserves by Executive proclamation, under section twenty-four of the Act of Congress approved March third, eighteen hundred and ninety-one, entitled "An Act to repeal timber-culture laws, and for other purposes," and including public lands adjacent thereto, which may be designated for survey by the Secretary of the Interior, one hundred and fifty thousand dollars, to be immediately available: *Provided*, That to remove any doubt which may exist pertaining to the authority of the President thereunto, the President of the United States is hereby authorized and empowered to revoke, modify, or suspend any and all such Executive orders and proclamations, or any part thereof, from time to time as he shall deem best for the public interests: *Provided*, That the Executive orders and proclamations dated February twenty-second, eighteen hundred and ninety-seven, setting apart and reserving certain lands in the States of Wyoming, Utah, Montana, Washington, Idaho, and South Dakota as forest reservations, be, and they are hereby, suspended, and the lands embraced therein restored to the public domain the same as though said orders and proclamations had not been issued: *Provided further*, That lands embraced in such reservations not otherwise disposed of before March first, eighteen hundred and ninety-eight, shall again become subject to the operations of said orders and proclamations as now existing or hereafter modified by the President.

The surveys herein provided for shall be made, under the supervision of the Director of the Geological Survey, by such person or persons as may be employed by or under him for that purpose, and shall be executed under instructions issued by the Secretary of the Interior; and if subdivision surveys shall be found to be necessary, they shall be executed under the rectangular system, as now provided by law. The plats and field notes prepared shall be approved and certified to by the Director of the Geological Survey, and two copies of the field notes shall be returned, one for the files in the United States surveyor-general's office of the State in which the reserve is situated, the other in the General Land Office; and twenty photolithographic copies of the plats shall be returned, one copy for the files in the United States surveyor-general's office of the State in which the reserve is situated; the original plat and the other copies shall be filed in the General Land Office, and shall have the facsimile signature of the Director of the Survey attached.

Such surveys, field notes, and plats thus returned shall have the same legal force and effect as heretofore given the surveys, field notes, and plats returned through the surveyors-general; and such surveys, which include subdivision surveys under the rectangular system, shall be approved by the Commissioner of the General Land Office as in other cases, and properly certified copies thereof shall be filed in the respective land offices of the district in which such lands are situated, as in other cases. All laws inconsistent with the provisions hereof are hereby declared inoperative as respects such survey: *Provided, however*, That a copy of every topographic map and other maps showing the distribution of the forests, together with such field notes as may be taken relating thereto, shall be certified thereto by the Director of the Survey and filed in the General Land Office.

All public lands heretofore designated and reserved by the President of the United States under the provisions of the Act approved March

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third, eighteen hundred and ninety-one, the orders for which shall be and remain in full force and effect, unsuspended and unrevoked, and all public lands that may hereafter be set aside and reserved as public forest reserves under said act, shall be as far as practicable controlled and administered in accordance with the following provisions:

No public forest reservation shall be established, except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not the purpose or intent of these provisions, or of the Act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein, or for agricultural purposes, than for forest purposes.

The Secretary of the Interior shall make provisions for the protection against destruction by fire and depredations upon the public forests and forest reservations which may have been set aside or which may be hereafter set aside under the said Act of March third, eighteen hundred and ninety-one, and which may be continued; and he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this Act or such rules and regulations shall be punished as is provided for in the Act of June fourth, eighteen hundred and eighty-eight, amending section fifty-three hundred and eighty-eight of the Revised Statutes of the United States.

For the purpose of preserving the living and growing timber and promoting the younger growth on forest reservations, the Secretary of the Interior, under such rules and regulations as he shall prescribe, may cause to be designated and appraised so much of the dead, matured, or large growth of trees found upon such forest reservations as may be compatible with the utilization of the forests thereon, and may sell the same for not less than the appraised value in such quantities to each purchaser as he shall prescribe, to be used in the State or Territory in which such timber reservation may be situated, respectively, but not for export therefrom. Before such sale shall take place, notice thereof shall be given by the Commissioner of the General Land Office, for not less than sixty days, by publication in a newspaper of general circulation, published in the county in which the timber is situated, if any is therein published, and if not, then in a newspaper of general circulation published nearest to the reservation, and also in a newspaper of general circulation published at the capital of the State or Territory where such reservation exists; payments for such timber to be made to the receiver of the local land office of the district wherein said timber may be sold, under such rules and regulations as the Secretary of the Interior may prescribe; and the moneys arising therefrom shall be accounted for by the receiver of such land office to the Commissioner of the General Land Office, in a separate account, and shall be covered into the Treasury. Such timber, before being sold, shall be marked and designated, and shall be cut and removed under the supervision of some person appointed for that purpose by the Secretary of the Interior, not interested in the purchase or removal of such timber nor in the employment of the purchaser thereof. Such supervisor shall make report in writing to the Commissioner of the General Land Office and to the receiver in the land office in which such reservation shall be located of his doings in the premises.

The Secretary of the Interior may permit, under regulations to be prescribed by him, the use of timber and stone found upon such reservations, free of charge, by bona fide settlers, miners, residents, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and other domestic purposes, as may be needed by such persons for such purposes; such timber to be used within the State or Territory, respectively, where such reservations may be located.

Nothing herein shall be construed as prohibiting the egress or ingress of actual settlers residing within the boundaries of such reservations, or from crossing the same to and from their property or homes; and such wagon roads and other improvements may be constructed thereon as may be necessary to reach their homes and to utilize their property under such rules and regulations as may be prescribed by the Secretary of the Interior. Nor shall anything herein prohibit any person from entering upon such forest reservations for all proper and lawful purposes, including that of prospecting, locating, and developing the mineral resources thereof: *Provided*, That such persons comply with the rules and regulations covering such forest reservations.

That in cases in which a tract covered by an unperfected bona fide claim or by a patent is included within the limits of a public forest reservation, the settler or owner thereof may, if he desires to do so, relinquish the tract to the Government, and may select in lieu thereof a tract of vacant land open to settlement not exceeding in area the tract covered by his claim or patent; and no charge shall be made in such cases for making the entry of record or issuing the patent to cover the tract selected: *Provided further*, That in cases of unperfected claims the requirements of the laws respecting settlement, residence, improvements, and so forth, are complied with on the new claims, credit being allowed for the time spent on the relinquished claims.

The settlers residing within the exterior boundaries of such forest reservations, or in the vicinity thereof, may maintain schools and churches within such reservation, and for that purpose may occupy any part of said forest reservation, not exceeding two acres for each schoolhouse and one acre for a church.

The jurisdiction, both civil and criminal, over persons within such reservations shall not be effected or changed by reason of the existence of such reservations, except so far as the punishment of offenses against the United States therein is concerned; the intent and meaning of this provision being that the State wherein any such reservation is situated shall not, by reason of the establishment thereof, lose its jurisdiction, nor the inhabitants thereof their rights and privileges as citizens, or be absolved from their duties as citizens of the State.

All waters on such reservations may be used for domestic, mining, milling, or irrigation purposes, under the laws of the State wherein such forest reservations are situated, or under the laws of the United States and the rules and regulations established thereunder.

Upon the recommendation of the Secretary of the Interior, with the approval of the President, after sixty days' notice thereof, published in two papers of general circulation in the State or Territory wherein any forest reservation is situated, and near the said reservation, any public lands embraced within the limits of any forest reservation which, after due examination by personal inspection of a competent person appointed for that purpose by the Secretary of the Interior, shall be found better adapted for mining or for agricultural purposes than for forest usage, may be restored to the public domain. And any mineral lands in any

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forest reservation which have been or which may be shown to be such, and subject to entry under the existing mining laws of the United States and the rules and regulations applying thereto, shall continue to be subject to such location and entry, notwithstanding any provisions herein contained.

The President is hereby authorized at any time to modify any Executive order that has been or may hereafter be made establishing any forest reserve, and by such modification may reduce the area or change the boundary lines of such reserve, or may vacate altogether any order creating such reserve.

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Approved June 4, 1897.

